

**United States District Court
Northern District of Texas
Fort Worth Division**

STATE OF TEXAS,

Plaintiff,

v.

JOSEPH R. BIDEN, JR., *et al.*;

Defendants.

Case 4:21-cv-00579-P

**Texas's Unopposed Motion to Continue
Preliminary Injunction Deadlines**

Texas moves to continue by 10 days the deadline to file its combined reply supporting its renewed motion for preliminary injunction and its opposition to the federal government's motion to dismiss. This would make the new deadline Friday, October 8. It seeks this extension not for delay, but so justice may be done; this extension will not prejudice the Defendants, who are unopposed.

The counsel who is primarily responsible for Texas's brief has been engaged in research, briefing, conducting discovery, and otherwise preparing for a September 29 briefing deadline and an October 1 preliminary-injunction hearing in *United States v. Texas*, No. 1:21-cv-796-RP (W.D. Tex.). That case was filed on September 9, roughly two weeks after the Court approved the parties' agreed briefing schedule; two days after Texas filed its renewed motion. ECF Nos 64, 67. On September 15, Judge Pitman set the briefing and preliminary-injunction schedule. Despite the federal government's motion being supported by 14 declarants, Texas did not get an agreement to conduct discovery until roughly an hour before a hearing on those discovery requests was to take place on Wednesday afternoon—the day after the Defendants here filed their response. The truncated schedule and volume of work in the *U.S. v. Texas* case has commanded virtually all of counsel's attention since then.

Had Texas foreseen this, it would have proposed a different schedule to the Defendants and presented a different schedule to the Court for its approval. Since it did not, it respectfully requests that the Court extend the deadline for it to oppose the Defendants' motion to dismiss and reply in support of the preliminary-injunction motion through October 8.

Dated September 27, 2021.

Respectfully submitted,

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Certificate of Conference

I certify that I conferred with Brian Stoltz, counsel for the Defendants, on September 24 and 27, 2021, who informed me that the Defendants do not oppose this motion.

/s/ Leif A. Olson

Certificate of Service

I certify that on September 27, 2021, I filed this motion with the Court's CM/ECF system, which will serve it on all counsel of record.

/s/ Leif A. Olson